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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/631,182      | 07/31/2003  | Charles R. Steinmetz | 200206249-1         | 1440             |

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EXAMINER

HUFFMAN, JULIAN D

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2853

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

57c

|                              |                        |  |                     |  |
|------------------------------|------------------------|--|---------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b> |  | <b>Applicant(s)</b> |  |
|                              | 10/631,182             |  | STEINMETZ ET AL.    |  |
|                              | <b>Examiner</b>        |  | <b>Art Unit</b>     |  |
|                              | Julian D. Huffman      |  | 2853                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/31/03</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 11, 12, 17, 18, 22, 23, 32, 33, 38, 39 and 40-44, are objected to because of the following informalities:

With regards to claim 40, there is insufficient antecedent basis for the term "grasping portion".

With regards to claim 41, there is insufficient antecedent basis for the term "grasping portion" and its use along with the term "handle portion" is not clear.

It is suggested that grasping portion be changed to handle portion.

With regards to claims 11, 17, 22, 32, 38 and 43, the limitation that part of the surface area of the grasping portion comprises substantially all of the surface area of the grasping portion is unclear.

Claims 12, 18, 23, 33, 39 and 42-44 are objected to as depending upon objected base claims.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-6 and 24-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamamoto et al. (US 20030234844 A1).

With regards to claim 1, Yamamoto et al. discloses a printer consumable for replaceable installation in a printer, the consumable comprising:

a printer interface end (fig. 2d, element 14b);

a grasping end (fig. 2a, element 14a) distal from the printer interface end, the grasping end having a reduced cross-sectional area from the printer interface end (printer interface end has ID portions 22 and 23 which provide a printer interface end with a greater cross sectional area than the grasping end);

finger stops (25) integral with the grasping end (14a); and

wherein the grasping end is devoid of printer functional interfaces (fig. 2).

With regards to claim 24, Yamamoto discloses a printer consumable for intuitive installation in a printer, the consumable comprising:

a printer interface end (fig. 2d, element 14b), the printer interface end comprising at least a fluid interconnect (27, 28), an electrical interconnect (17 connects to storage medium), and a mechanical keying feature (22, 23);

a user end (fig. 2b, top portion of cartridge) comprising a finger stop portion (25) and a handle portion (14a, shown in fig. 2a), the finger stop portion interposed between the printer interface end and the handle portion (fig. 2);

the handle portion (14a) having a substantially smooth outer surface with no printer functional interconnects located thereon (fig. 2a).

With regards to claim 2 the printer consumable further comprises a clear visual demarcation (ribs 25) between the printer interface end (14b) and the grasping end (14a).

With regards to claim 3, the clear visual demarcation (ribs 25) comprises the printer interface end (14b) and grasping end (14a) being formed of materials having differing color, texture, or opacity (texture).

With regards to claim 4, the printer consumable comprises a boundary (between 14f and ribs 25) between the printer interface end (14b) and the grasping end (14a), and wherein the clear demarcation comprises the boundary lying substantially along a plane (fig. 2, ribs 25 are formed in a plane parallel to cartridge side walls).

With regards to claims 5 and 27, the grasping end (14a) is formed of substantially flat segments joined by rounded corners (fig. 1a).

With regards to claim 6, the printer interface end (14b) further comprises a substantially flat face (fig. 2d, element 14b), and wherein at least a fluid port (27, 28), an electrical interface (17), and a keying feature (22, 23) are positioned on the substantially flat face.

With regards to claim 25, the printer interface end (14b) and the user end (14a) are formed of materials having differing color, texture, or opacity (texture, ribs 25).

With regards to claim 26, the printer consumable of Yamamoto further comprises a boundary (ribs 25) between the printer interface end (14b) and the user end (14a),

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and wherein the boundary lies substantially along a plane (ribs are formed along a plane parallel to side walls of cartridge).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-12, 28-33 and 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of Carrese et al. (U.S. 6,390,615 B1).

With regards to claims 8 and 29, Yamamoto additionally discloses that the grasping/handle portion has an outer surface (fig. 2).

With regards to claims 9 and 30, Yamamoto further discloses that the grasping/handle portion further comprises an upper surface (fig. 2a) and a rear surface (fig. 2b) and at least part of the surface area/outer surface of the grasping/handle portion comprises at least the upper surface and the rear surface of the grasping/handle portion.

With regards to claims 11 and 32, Yamamoto discloses that at least part of the surface area of the grasping portion comprises substantially all of the surface area of the grasping portion (fig. 2).

Yamamoto discloses everything claimed, as discussed above, with the exception of coloring the grasping/handle portion to indicate color of ink in the consumable.

Carrese et al. discloses color coding an ink tank (column 6, lines 49-51).

It would have been obvious to one having ordinary skill in the art at the time of the invention to color the consumable of Yamamoto the same color as the ink in the consumable, as taught by Carrese et al. into Yamamoto, for the purpose of facilitating placing the appropriate color ink tank in its appropriate position in the tank support structure (column 6, lines 49-51).

The combination discloses coloring the entirety of the consumable and the combination teaches the claim limitations directed towards coloring the upper surface and rear surface of the grasping/handle portion and/or the entirety of the grasping/handle portion.

6. Claims 13-23, 34-44, 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of Carrese et al. as applied to claims 7-12, 28-33 and 45-47 above, and further in view of Hinami et al. (U.S. 5,831,652).

Yamamoto as modified by Carrese et al. disclose everything claimed with the exception of providing multiple indicia including a symbolic indication of ink color on the user end in addition to coloring portions of the consumable to match the ink in the consumable.

Hinami et al. discloses writing the color of the ink on the top of the cartridge (fig. 2).

It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Yamamoto as modified by Carrese et al. by writing the color of ink on the top of the cartridge, for the purpose of providing an additional indication of color to a user who may be color blind.

### ***Conclusion***


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julian D. Huffman whose telephone number is (571) 272-2147. The examiner can normally be reached on 9:30a.m.-6:00p.m. Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



JH  
26 April 2005

  
K. FEGGINS  
PRIMARY EXAMINER